

# Notice of Allowability

Application No.

10/824,025

Examiner

Joseph Kosack

Applicant(s)

SMALLHEER ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Supplemental Amendment filed on 9 February 2006.
2. ☒ The allowed claim(s) is/are 1-10 and 24-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-10 and 24-43 are pending in the instant application.

#### ***Amendments***

The Amendment filed on December 27, 2005 and the Supplemental Amendment filed on February 9, 2006 are acknowledged and have been entered.

#### ***Election/Restrictions***

Affirmation of the election of the claims of Group I (Claims 1-7, 15-19, and 24-28) of the Restriction Requirement made on November 8, 2005 was made in the reply filed on December 27, 2005. Since no arguments were presented as to why the Restriction Requirement was not proper, the Requirement is still deemed proper and has been made FINAL.

#### ***Previous Claim Rejections - 35 USC § 112***

Claims 7 and 15-19 were rejected in the Office Action mailed on December 6, 2005 for not meeting the written description requirement. The rejection of Claim 7 was withdrawn after a discussion with Jing G. Sun, Ph. D. on December 22, 2005 due to the finding of sufficient support for the pharmaceutical composition comprising a compound of Formula I and a pharmaceutically acceptable carrier in the specification. The rejection of Claims 15-19 has been obviated by the cancellation of Claims 15-19. Therefore, the rejections under 35 U.S.C. 112 first paragraph have been obviated by argument and cancellation and have been withdrawn.

***Status of the Claims***

Claims 1-23 were pending in the last Office Action mailed on December 6, 2005. Claims 11-23 have been canceled and Claims 24-43 were added by amendment. Claims 24-28 are compound claims and are incorporated into Group I of the Restriction Requirement made on November 8, 2005. Claims 29-43 are method of use claims and are incorporated into withdrawn Group II of the Restriction Requirement made on November 8, 2005.

The scope of the compounds was expanded by agreement on December 22, 2005 during a phone conversation with Jing G. Sun, Ph. D. The Amendment filed on December 27, 2005 reflects the agreed expansion of scope.

***Rejoinder***

Claims 1-7 and 24-28 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), Claims 8-10 and 29-43, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement as set forth made on November 8, 2005 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claims including all the limitations of an allowable product claim or rejoined process claim are presented in a continuation or divisional application, such claims may be subject to provisional

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statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changed and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

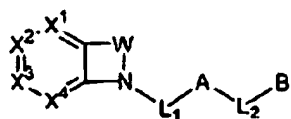
Authorization for this examiner's amendment was given in a telephone interview with Jing G. Sun, Ph. D. on February 21, 2006. The application has been amended as follows:

In claim 5, line 46, delete "2-carboxy-4-flouro-phenyl," and insert ---2-carboxy-4-fluoro-phenyl,---.

In claim 5, line 49, delete "2-carboxy--4,5-dimethoxy-phenyl, 2-carboxy-4-triflouromethyl-phenyl," and insert ---2-carboxy-4,5-dimethoxy-phenyl, 2-carboxy-4-trifluoromethyl-phenyl,---

### Reasons for Allowance

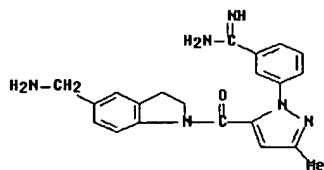
The present invention is directed to compound of Formula I:



, with substitutions as defined and their method of use for

treating thromboembolic disorders. The closest prior art teaches a compound:

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with a pyrazole for what would be substituent A in the instant invention and a carbonyl group for L1. Therefore, Claims 1-10 and 24-43 are allowed.

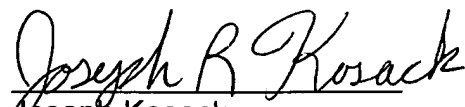
### ***Telephone Inquiry***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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